

## Combined Declaration and Power of Attorney for Patent Application

Docket Number: 05371.0032.999

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Mutations in the BRCA1 Gene, the specification of which is attached hereto unless the following box is checked:

☒ was filed on March 12, 1998;  
as United States Application Number or PCT International Application Number 09/038.946; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

### PRIOR FOREIGN APPLICATION(S)

Application No.	Country	(Day/Month/Year/Filed)	Priority Claimed	
			Yes	No
			Yes	No
			Yes	No
			Yes	No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filing Date	(Status – patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jeffrey I. Auerbach, Reg. No. 32,680  
Melvin L. Barnes, Jr. Reg. No. 38,375  
Thane Bauz, Reg. No. P41,604  
Michael J. Bell, Reg. No. 39,604  
John A. Bendrick, Reg. No. P41,612  
Mark R. Buscher, Reg. No. 35,006  
Celine T. Callahan, Reg. No. 34,301  
Cono A. Carrano, Reg. No. 39,623  
James F. Davis, Reg. No. 21,072  
Thomas M. Dunham, Reg. No. 39,965  
Joel M. Freed, Reg. No. 25,101  
Vernon Randall Gard, Reg. No. 33,886  
R. Thomas Gallegos, Reg. No. 32,692

Alan M. Grimaldi, Reg. No. 26,599  
Alexander J. Hadjis, Reg. No. 36,540  
Albert P. Halluin, Reg. No. 25,227  
Michael N. Haynes, Reg. No. 40,014  
Rouget F. Henschel, Reg. No. 39,221  
Leslie L. Jacobs, Jr., Reg. No. 40,659  
Richard H. Kjeldgaard, Reg. No. 30,186  
Joseph P. Lavelle, Reg. No. 31,036  
David R. Marsh, Reg. No. 41,408  
Kevin W. McCabe, Reg. No. 41,182  
Joseph A. Micallef, Reg. No. 39,772  
Anthony D. Miller, Reg. No. 34,394  
John Tarca, Reg. No. 33,638

Karen L. Nicastro, Reg. No. 35,968  
Bradley J. Olson, Reg. No. 40,750  
Russell O. Paige, Reg. No. P40,758  
Stephen J. Pentlicki, Reg. No. 40,125  
Andrew Y. Piatnicia, Reg. No. 40,772  
Andrea G. Reister, Reg. No. 36,253  
Stephen J. Rosenman, Reg. No. 29,209  
David P. Ruschke, Reg. No. 40,151  
Timothy L. Scott, Reg. No. 37,931  
Anthony W. Shaw, Reg. No. 30,104  
J. David Smith, Reg. No. 39,839  
Michael J. Songer, Reg. No. 39,841

Send Correspondence to:

**Albert P. Halluin**  
**HOWREY & SIMON**  
Box No. 34

1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
Facsimile: (202) 383-7195

Direct Telephone Calls to: (202) 783-0800

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>FULL NAME OF SOLE OR FIRST INVENTOR:</b> Mark B. Rabin	<b>CITIZENSHIP:</b> United States of America
<b>RESIDENCE:</b> Rockville, Maryland	<b>DATE:</b> 4/15/98
<b>POST OFFICE ADDRESS:</b> 205 Perry Parkway, Gaithersburg, Maryland 20877	<b>INVENTOR'S SIGNATURE:</b> Mark Rabin
<b>FULL NAME OF SECOND INVENTOR:</b>	<b>CITIZENSHIP:</b>
<b>RESIDENCE:</b>	<b>DATE:</b>
<b>POST OFFICE ADDRESS:</b>	<b>INVENTOR'S SIGNATURE:</b>
<b>FULL NAME OF THIRD INVENTOR:</b>	<b>CITIZENSHIP:</b>
<b>RESIDENCE:</b>	<b>DATE:</b>
<b>POST OFFICE ADDRESS:</b>	<b>INVENTOR'S SIGNATURE:</b>

(Supply similar information and signature for subsequent joint inventors, if any)

PATENT  
ATTORNEY DOCKET NO.: 44921-5047-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
 Mark B. RABIN )  
 )  
 Application No.: 09/038,946 ) Group Art Unit: 1655  
 )  
 Filed: March 12, 1998 ) Examiner: C. Wilder  
 )  
 For: MUTATIONS IN THE BRCA1 GENE )

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**APPOINTMENT OF ASSOCIATE ATTORNEY AND  
CHANGE OF CORRESPONDENCE ADDRESS**

I hereby appoint the registered practitioners of Morgan, Lewis & Bockius, LLP included in  
Customer Number **009629**, as my associate attorneys to prosecute the above-identified application and  
to transact all business in the Patent and Trademark Office.

Also please change the correspondence address in this application to:

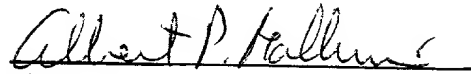
Reid G. Adler  
Morgan, Lewis & Bockius, LLP  
1800 M Street, N.W.  
Washington, D.C. 20036-5869  
(202) 467-7747  
Customer No.: **009629**

Attorney Docket No.: 44921-5047  
Appln. No.:09/038,946  
Page 2

Please note the new docket no. 44921-5047

Respectfully submitted,

**HOWREY & SIMON**

  
Signature

Albert P. Halluin  
Name of Person Signing

October 27, 2000  
Date

**Howrey & Simon**  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(650) 463-8100

## **ASSIGNMENT**

WHEREAS, I, **Mark B. Rabin**, being a citizen of the United States of America, residing at **Rockville, Maryland**, have made new and useful improvements in **Mutations in the BRCA1 Gene**, for which an application for Letters Patent of the United States was filed on **March 12, 1998** as Application No. **09/038,946**.

WHEREAS, **OncorMed, Inc.**, having a place of business at **205 Perry Parkway, Gaithersburg, Maryland 20877**, and who, together with its successors and assigns ("Assignee") is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited.

NOW, THEREFORE, for valuable consideration furnished by Assignee to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said application for Letters Patent of the United States, including all claims, if any, that may have arisen for infringement prior to the date of this assignment, the inventions and discoveries described therein, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance.

5. Bind my heirs, legal representatives, and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in my control or in the control of my heirs, legal representatives, or assigns which may be useful for establishing the facts of my conception, disclosures, and reduction to practice of said inventions and discoveries; and to testify as to the same in any interference or other litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 14<sup>th</sup> day of April, 1998.

Mark B. Rabin  
Mark B. Rabin

STATE OF Maryland  
COUNTY OF Montgomery

SS:

On this 14<sup>th</sup> day of April, 1998, before me personally appeared **Mark B. Rabin**, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

(SEAL)

Ann M. Brodeur  
NOTARY PUBLIC

My Commission Expires:

ANN M. BRODEUR  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 19, 2001

State of Delaware  
Office of the Secretary of State PAGE 1

---

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ONCORMED, INC.", A DELAWARE CORPORATION,

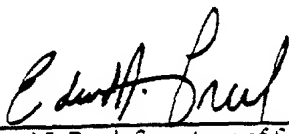
WITH AND INTO "GENE LOGIC ACQUISITION CORP." UNDER THE NAME OF "GENE LOGIC ACQUISITION CORP.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-EIGHTH DAY OF SEPTEMBER, A.D. 1998, AT 4:15 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2916274 8100M

981375613

  
Edward J. Freel, Secretary of State

AUTHENTICATION: 9328789

DATE: 09-29-98

2025 SEP 28 10:00 AM

8  
E



**CERTIFICATE OF MERGER  
OF  
ONCORMED, INC.  
INTO  
GENE LOGIC ACQUISITION CORP.  
(Pursuant to Section 251 of the  
Delaware General Corporation Law)**

The undersigned corporation, organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify:

**FIRST:** That the name and state of incorporation of each of the constituent corporations of the merger are as follows:

<u>Name</u>	<u>State of Incorporation</u>
ONCORMED, INC.	Delaware
GENE LOGIC ACQUISITION CORP.	Delaware

**SECOND:** That an Agreement and Plan of Merger and Reorganization, dated as of July 6, 1998, by and among GENE LOGIC ACQUISITION CORP. and ONCORMED, INC. has been approved, adopted, certified, executed, and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251(c) of the General Corporation Law of the State of Delaware.

**THIRD:** That the name of the surviving corporation of the merger is Gene Logic Acquisition Corp.

**FOURTH:** That the Certificate of Incorporation of the surviving corporation is the Certificate of Incorporation of Gene Logic Acquisition Corp.

**FIFTH:** That the executed Agreement and Plan of Merger and Reorganization is on file at the principal place of business of Gene Logic Acquisition Corp. located at 708 Quince Orchard Road, Gaithersburg, Maryland 20878.

**SIXTH:** That a copy of the Agreement and Plan of Merger and Reorganization will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

IN WITNESS WHEREOF, Gene Logic Acquisition Corp. has caused this Certificate of Merger to be signed by its President and Chief Executive Officer and attested to by its Chief Financial Officer and Secretary on Monday September 28, 1998.

GENE LOGIC ACQUISITION CORP.

By: 

Michael J. Brennan, M.D., Ph.D.  
President and Chief Executive Officer

ATTEST:

By: 

Mark D. Gessler  
Senior Vice President, Corporate Development,  
Chief Financial Officer and Secretary